

***TIPPECANOE COUNTY BOARD OF COMMISSIONERS
REGULAR MEETING
April 5, 2010***

The Tippecanoe County Commissioners met on Monday, April 5, 2010 at 10:00 a. m. in the Tippecanoe Room in the County Office Building. Commissioners present were: President John L. Knochel, and Vice President David S. Byers, Member Thomas P. Murtaugh. Also present were: Attorney David W. Luhman, Auditor Jennifer Weston, Commissioner's Assistant Frank Cederquist, and Secretary Kay Muse.

Commissioner Knochel called the meeting to order and led the Pledge of Allegiance.

APPROVAL OF MINUTES

- Commissioner Byers moved to approve the minutes of the March 15, 2010 meeting, second by Commissioner Murtaugh; motion carried.

PRESENTATION OF ACCOUNTS PAYABLE VOUCHERS

Commissioner's Assistant Frank Cederquist recommended approval of accounts payable vouchers for March 17, 18, 19, 25, 26, 29, 31 and April 1, 2, 5, 2010 as submitted with no exceptions.

Auditor Weston stated for the record she has removed her name from four vouchers due to lack of documentation, however the claims are from a court and will be paid since they do not require Commissioner approval.

- Commissioner Murtaugh moved to approve the Accounts Payable Vouchers as presented with no exceptions, second by Commissioner Byers; motion carried.

REZONE – Z-2420 Midwest Rentals, Inc. (GB-PDNR), Ordinance 2010-05-CM

- Commissioner Byers moved to hear Z-2420 Midwest Rentals, Inc. (GB-PDNR) Ordinance 2010-05-CM

(quote)

March 18, 2010
Ref. No.: 10-074
Tippecanoe County Commissioners
20 North 3rd Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2420—MIDWEST RENTALS, INC. (GB to PDNR):

Petitioner is requesting PDNR zoning on approximately 5 acres to allow a Midwest Rentals operation on the former Henry Poor Lumber Company

site. In addition to equipment and other rentals, the operation will include cleaning and outdoor storage of portable toilets. The operation will utilize the existing buildings on site with an option of demolishing and reconstructing some of the accessory buildings also on site. The property is located at 3312 Klondike Road, Wabash 3 (SE) 23-5.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 17, 2010 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from GB to PDNR. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment, contingent on meeting all the requirements of *UZO 2-27-10* for submission of Final Detailed Plans, signed off by those noted in that section to include:

1. All sheets that make up the approved Preliminary Plan;
2. PD construction plans per UZO Appendix B2-2;
3. Appropriate surety (for landscaping) submitted with Final Detailed Plans;
4. The landscaping plan shown in the Final Detailed Plans will show additional landscaping not shown in the preliminary plans.

Restrictive Covenants – The following shall be part of the Planned Development's covenants made enforceable by the Area Plan Commission and irrevocable by the lot owners: The narrative provided on sheet #3 of the plans shall be enforceable as a restrictive covenant. The wooded area shown and dimensioned on the plans shall remain undisturbed per the terms of the commitment statement located on the landscape plan sheet. The site shall be connected to sanitary sewer when it becomes available and, upon connection, the existing septic system shall be formally abandoned with the Tippecanoe County Health Department. Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their April 5, 2010 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

(unquote)

Dan Teder Attorney for the petitioner requested the rezoning from GB to PDNR for the property located at 3312 Klondike Road. Attorney Teder stated that Midwest Rentals would be using the site for the rental of tools, party goods, portable restrooms, storage boxes, and construction equipment. The surrounding area is zoned I3 and GB. Landscaping is planned along the south and east side of the property to provide a buffer zone. There will be additional landscape along the entrance and the 1.5 acre wooded area in the western portion of the property will remain; adding there is a commitment that runs with the land so it cannot be disturbed. Blue Spruce trees will be added along the chain link fencing. The plan development allows for lighting, signage, and a washing facility that has been approved by the Board of Health. Attorney Teder added that there would be a maximum of 1500 portable restrooms allowed in the winter, and probably no

more than 60% would be on the site in the summer. Their present site along the Wabash River will be given or sold to the City Parks Department. Midwest Rentals has discussed their plans with surrounding landowners and do not anticipate any objections. Attorney Teder stated that this is a win-win situation; Midwest Rentals will be staying in the area continuing to employ residents and helping with clean up along the Wabash River.

Commissioner Knochel asked for public comments.

Robert Taylor, West Lafayette—urged the Commissioners not to approve the storage of portable restrooms on the site. The site is immediately across from Klondike Elementary School; storing the restrooms there will present an objectionable appearance for the students and faculty that uses that facility and some of the odor will be noticeable at the school. Mr. Taylor expressed his concern that Klondike Road is becoming a chaotic commercial development in the middle of what is otherwise a residential area. Lafayette Limo has a large collection of buses, cars, trailers, and tractors around the facility. An excavation pit that is visible from Klondike Road and has been there for some time and is very unsightly. Mr. Taylor said he is concerned that Wabash Township is becoming a collection site for things that nobody else wants.

Attorney Dan Teder stated that Midwest Rentals has spoken with all the adjoining property owners and the school. The school had no objection to Midwest Rental's plans. There is 250 to 300 feet of entrance, as cars drive by this is about 2-3 seconds of viewing. There will also be a buffer yard and landscaping that will include Blue Spruce and existing trees around most of the property, adding that most of their business is done by phone thus limiting traffic. All waste will be removed from the site and taken to a waste facility. Attorney Teder added that the area is zoned I3 and GB citing Menards just north of Klondike Road.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-05-CM passed 3-0.

REZONE Z-2421 James M & Kimberly M Pucka (R1to BG), Ordinance 2010-06-CM

- Commissioner Byers moved to hear rezone Z-2421 James M & Kimberly M Pucka (R1to BG), Ordinance 2010-06-CM.

(quote)

March 18, 2010
 Ref. No.: 10-075
 Tippecanoe County Commissioners
 20 North 3rd Street
 Lafayette, IN 47901

CERTIFICATION

RE: Z-2421—JAMES M. & KIMBERLY M. PUCKA (R1 to GB):

Petitioners are requesting rezoning of a single lot on the east side of Creasy Lane between SR 38 and St. Francis Drive, Fairfield 35 (SE) 23-4.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 17, 2010 the Area Plan Commission of Tippecanoe County voted 12 yes - 0 no on the motion to rezone the subject real estate from R1 to GB. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Tippecanoe County Commissioners at their April 5, 2010 regular meeting. Petitioners or their representatives must appear to present their case.

Sincerely,

Sallie Dell Fahey
Executive Director

(unquote)

James Pucka requested the rezoning of his property that is located south of St. Elizabeth Hospital. Mr. Pucka stated that he would be opening a chiropractic office.

Commissioner Knochel asked for public comments.

Commissioner Murtaugh stated that the Area Plan Commission voted 12-0 on this rezone.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-06-CM passes 3-0.

UZO Amendment #64, Ordinance 2010-07-CM

- Commissioner Murtaugh moved to hear Amendment #64, Ordinance 2010-07-CM, second by Commissioner Byers; motion carried.

(quote)

March 17, 2010

Ref. No.: 10-060
 Tippecanoe County Commissioners
 20 N. 3rd Street
 Lafayette IN 47901

CERTIFICATION

RE: UZO AMENDMENT #64

An omnibus amendment to Chapter 1: Words and Terms Defined regarding the definition of micro wind system, Chapter 4: setbacks for parking, and Chapter 6: Increasing the filing fee for Improvement Location Permits.

Dear Commissioners:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on March 17, 2010, the Area Plan Commission of Tippecanoe County voted 11 yes - 1 no on the motion to approve the enclosed amendment to the Unified Zoning Ordinance. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Tippecanoe County Commissioners that the proposed zoning ordinance amendment be approved.

Sincerely,

Sallie Dell Fahey
 Executive Director

(unquote)

Director Sallie Dell Fahey requested the approval of Amendment #64, Ordinance 2010-07-CM. Director Fahey stated that this is an omnibus amendment with three parts to the zoning ordinance.

Part 1 is to clarify a section about required parking located in front of a home, in residential zoning the required two parking spaces are not permitted in the front yard. This amendment clarifies that parking is not permitted in the required front yard which is typically 25 feet. If the home is set farther back you could have required parking.

Part 2 is the correction of a formatting error involving the definition of a micro wind system, where references to a sub-section of the ordinance are numbered those sub-sections are actually lettered.

Part 3 is an increase in the filing fee for improvement location permits. The improvement location permit portion of a building permit is to check compliance with the zoning and sub-division ordinances. A separate building permit fee covers inspection of the building. The improvement location fee covers the cost of reviewing the application. Since 1998 the fee has been \$10 for the application fee and if someone began work without a permit and came in after the fact, it doubled to \$20. The proposal that came from the administrator officers initially was to double the fee. The ordinance committee felt that \$40 was not a sufficient deterrent for persons who begin work without a permit and felt

that the, after the fact, permit should be raised to \$70. This would set the application fee at \$20 and \$70 for an after-the-fact permit.

The Area Plan Commission at their March 17, 2010 meeting recommended the amendment with the three parts for approval 12-0.

Commissioner Knochel asked for public comment.

Brian Panizzi, Lafayette– the current ordinance has no reference to a pole mounted or tower mounted system in the definition of a micro wind system.

Attorney Dave Luhman stated that the zoning ordinance does not refer to the different mounted systems and will be presented to the Area Plan Ordinance Committee for consideration.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-07-CM passed 3-0.

HIGHWAY-Opal Kuhl

Opening Of Bids – 2010 Bridge Rehabilitation Project

Director Kuhl stated that the three bridges involved in this project are Bridge 109 on 500 North over Indian Creek, Bridge 119 on North Ninth Street over the Wabash River, and Bridge 121 on Schuyler Avenue over Wildcat Creek, adding this is for joint patching projects.

Jack Isom	\$531,143.50
American Contracting and Services Inc.	\$498,954.69
Wertz & Yates Construction	\$674,155.00

Attorney Luhman recommended the Bids be taken under advisement.

- Commissioner Byers moved to take bids under advisement, second by Commissioner Murtaugh; motion carried.

LPA Consulting Contract for the Extension of Cumberland Road – American Structurepoint, Inc.

Director Kuhl requested approval of LPA Consulting Contract with American Structurepoint, Inc. for the extension of Cumberland Road. This federal aid project goes through the Indiana Department of Transportation (INDOT); they require a separate contract for the appraising, buying, and all right of way services.

- Commissioner Murtaugh moved to approve LPA Consulting Contract for the Extension of Cumberland Road in the amount of \$84,200, second by Commissioner Byers; motion carried.

Right of Entry for Tyler Road Project – Parcel 11

Director Kuhl requested approval of Right of Entry for the Tyler Road Project Parcel 11, Rodney Lowery.

- Commissioner Byers moved to approve the Right of Entry for Parcel 11 as presented, second by Commissioner Murtaugh; motion carried.

Continuation Certificate from Tri-County Telephone Company dba TDS Telecom

Director Kuhl recommended approval of the Continuation Certificate from Tri-County Telephone Company dba TDS Telecom in the amount of \$5,000; it is the annual certificate that the county receives for them to do work in the right of way.

- Commissioner Murtaugh moved to approve the Continuation Certificate as presented, second by Commissioner Byers; motion carried.

3-Year Maintenance Bond from S Rider Construction, Inc.

Director Kuhl recommended approval of the 3-year Maintenance Bond from S Rider Construction, Inc. in the amount of \$5,000 for a driveway installation.

- Commissioner Byers moved to approve the 3-year Maintenance Bond as presented, second by Commissioner Murtaugh; motion carried.

Director Kuhl stated that the County Garage Open House is from 11-2 on Friday April 9, 2010. The construction for remodeling and Phase II storm water requirements are complete.

GRANTS–Laurie Wilson

Grant Facilitator Laurie Wilson requested permission to accept an Indiana Criminal Justice Institute Grant for the Probation Department in the amount of \$24,136. This is for a Tippecanoe County supervision and pregnancy prevention project.

- Commissioner Byers moved to accept the Indiana Justice Institute Grant as presented, second by Commissioner Murtaugh; motion carried.

Grant Facilitator Laurie Wilson requested permission to accept an Indiana Criminal Justice Institute Grant for Juvenile Alternatives in the amount of \$40,000. This will fund the Restorative Justice Project. Juvenile Alternatives will use the grant to fund the salary and benefits of a full time employee to implement the program.

- Commissioner Murtaugh moved to accept the Indiana Justice Institute Grant as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Laurie Wilson requested permission to accept an Indiana State Department of Health Annual Grant for a Women Infants and Children (WIC) peer counsel project in the amount \$553,823. Ms. Wilson stated that WIC administers the peer project for 21 regional counties.

- Commissioner Byers moved to accept the Indiana State Department of Health Annual Grant as presented, second by Commissioner Murtaugh; motion carried.

Grant Facilitator Laurie Wilson requested permission to accept an Indiana Department of Corrections Grant for Community Corrections in the amount of \$1,282,478. This is an annual renewal amendment to the previous grant.

- Commissioner Murtaugh moved to accept the Indiana Department of Corrections Grant as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for a Drug Free Coalition of Tippecanoe County Grant for Court Services in the amount of \$22,728.80. This will be used to fund workbooks, 20% salaries for the instructor, and miscellaneous office supplies.

- Commissioner Byers moved to grant permission to apply for the Grant as presented, second by Commissioner Murtaugh; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for a Drug Free Coalition of Tippecanoe County Grant for Cary Home in the amount of \$7,000. This will fund 35 substance abuse assessments for juveniles.

- Commissioner Murtaugh moved to grant permission to apply for the Grant as presented, second by Commissioner Byers; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for a Drug Free Coalition of Tippecanoe County Grant for Juvenile Alternatives in the amount of \$2,000. This will fund community enrichment activities such as helping to plant gardens. As participants exhibit positive behavior they are allowed to participate in activities. The Drug Free Coalition receives their funds from fees and fines by offenders.

- Commissioner Byers moved to grant permission to apply for the Grant as presented, second by Commissioner Murtaugh; motion carried.

Grant Facilitator Laurie Wilson requested permission to apply for an Indiana Judicial Center Grant for Superior Court 3 in the amount of \$2,234. This will fund travel to the National Counsel of Juvenile and Family Judges for Superior Court 3 Judge Loretta Rush.

- Commissioner Murtaugh moved to grant permission to apply for the Grant as presented, second by Commissioner Byers; motion carried.

COMMUNITY CORRECTIONS–Dave Heath
Master Services Agreement with Securus

Director Dave Heath presented the Master Services Agreement with Securus for approval. This is for installation of a phone service located at the work release center. The current provider has pay phones installed and when they become full of change they will no longer work. Director Heath stated there is no cost to the county for the alternate phone service.

- Commissioner Murtaugh moved to accept the Master Services Agreement with Securus as presented, second by Commissioner Byers; motion carried.

ORDINANCE 2010-02-CM, 2ND READING, Amending Tippecanoe County Code, Adding New Chapter 161, Wind Energy Conversion Systems

ORDINANCE 2010-03-CM, 2ND READING, Amending Tippecanoe County Code, Repealing Section 151A-04 & Adding New Section 151A-04 Building Code Fees

- Commissioner Byers moved to hear second reading of Ordinance 2010-02-CM and Ordinance 2010-03-CM, second by Commissioner Murtaugh; motion carried.

For a complete copy of changes, (*See Appendix A*)

Attorney Luhman stated that he would take questions on any of the changes for the second reading.

Commissioner Knochel opened the floor for any public comment on Ordinance 2010-02-CM.

Sallie Fahey, *Director Area Plan Commission*—would like one word added to section 161.09 G1B-Warnings having to do with the E-911 address and the posting of a sign. It reads “private roads providing access to commercial WECS shall have posted an E 911 address road sign, which shall be issued by the Area Plan Commission”. The Area Plan Commission would like the Commissioners to consider adding the word “address” after the word “which”. Area Plan Commission will not be providing the sign only the address, the wording suggests that Area Plan Commission will provide the sign.

Attorney Luhman stated that if the Commissioners were in favor, he would suggest a motion to amend the draft under consideration to include that change.

- Commissioner Byers moved to include the word “address” after the word , “which” in Ordinance 2010-02-CM section 161.09G1B, second by Commissioner Murtaugh; motion carried.

Patricia Howey, *West Point*— said that she is hoping to place a WECS on her property. Ms. Howey thanked the commissioners for removing the burden of suing if decommissioning does not occur. Ms. Howey went on to say there is an application, development, and annual inspection fee, and the county will be receiving additional assessed value also. Ms. Howey said it would

make more sense to have a deterrent to violate the ordinance and there does not appear to be a penalty for not de-commissioning. Ms. Howey said that wind turbines are good for the county, employment, environment, and the economy. People will re-locate to Tippecanoe County to build and maintain the WECS. The possibility for fiber optic cable will bring high-speed internet to rural communities.

Attorney Dave Luhman stated that there is a violation fee up to \$2,500 per day for anyone not in compliance with the ordinance. Commissioner Byers added that a few wind turbine companies have reviewed the ordinance and are comfortable with it.

Chris Post, Lafayette—stated he is here on behalf of nearly 150 petitioners for small wind systems. The proposed cost when it comes to risk mitigation is felt to be a bit onerous. Changes specific to Micro WECS are wildlife cooperatives, and third party certification of small wind systems that drives a lot of small wind industry out of the area. Small wind turbines turn at higher speeds. As a result of that there are different requirements. Mr. Post said the fees for a small wind system when compared to the fees for electrical service are not reasonable. The permit fees for electrical service to a small mobile home that is 100 amps is typically \$40, the fee for a 200-amp service is \$75. A wind turbine of this size will give you an average of about 5 to 8 amps, and the fee is \$100. Mr. Post asked that the Commissioners not pass Ordinance 2010-02-CM without further review.

Brian Panizzi, Lafayette— in the next twenty years energy security will be a number one concern; a Micro WECS of this size would save roughly 3000 gallons of gasoline, 62 barrels of oil, and 29,760 pounds of coal. The current local ordinance, as written, is extremely disadvantageous to a community where wind resource should be considered marginal at best. When applying the fee schedule to the Micro WECS the current ordinance as written will render them completely impractical. A precedence set by Barnes vs. City of Anderson Indiana; states that no ordinance shall be written to disallow a property accessory use. Mr. Panizzi proposed that rather than doing a unit certification of each individual installation, which drives the \$100 fee an approach similar to the EPA which outlines the requirements and place fines on anyone not in compliance would be more acceptable.

Carl Covely Jr., Lafayette— is concerned that the exceptions for the Micro WECS will allow a Micro WECS to be built as close as 200 feet from his home without his prior knowledge. Mr. Covely said the building standards and lack of setbacks pertaining to shadow flicker for the Micro WECS is a concern, adding that a sign similar to the zoning notices should be posted.

Valen French, West Lafayette—a policy researcher for the Hoosier Environmental Counsel recommended two separate ordinances for the small and the large wind turbines. Ms. French said that Benton and White counties do not assess a yearly fee due to the tax that is assessed on the wind turbines and suggested a 10-year tax abatement to encourage WECS developers to the area.

Joe Rogers, Lafayette—said to clarify a non-commercial wind system is not a commercial size system. It is not even twice as tall as a micro wind system yet it will cost 27 times as much for a building permit as a permit for an 18,000 square foot mansion. A professional surveyor is not

required to build a house, but a surveyor is required to put up a small wind system. A separate ordinance addressing non-commercial residential and farm wind systems is needed.

Dale Johnson, Stockwell—is considering a commercial WECS on his property and disagrees with the proposed fees and taxes. The inspection fees could total 30 % of what a landowner would receive in the first year.

Commissioner Byers clarified that the fees are \$2,500 for the entire WECS project and \$200 per wind turbine for the first year. The second year the cost drops to \$1,200 per project and \$100 per wind turbine.

Robert Brooks, Lafayette—said that when he purchased his home nine months ago he had no knowledge that commercial WECS were being considered for this area. Mr. Brooks said that he is not opposed to the wind turbines but is asking for more distance, adding that 1000 feet is not enough. Although it has not been proven that wind turbines are detrimental to people and animals, being the father of two small children he would like a compromise in distance and decibel levels that would accommodate both participating and non-participating landowners. Mr. Brooks said that Japan has stopped erecting wind turbines to do a 3-year study on the affects of the wind turbines, adding that a distance of 1/2 mile would be acceptable.

Kenny Byers, Lafayette—is asking for a 1/2 mile buffer from the property line or structure. Mr. Byers said that several people in Benton County have expressed their unhappiness with the noise of the wind turbines to him. Mr. Byers said that 1/2 mile is a reasonable distance to expect.

Brent Bible, Stockwell—is supportive of Ordinance 2010-02-CM and would like the revenue from these projects returned to the communities that are raising those funds.

Diane Damico, West Lafayette—Chair of the West Lafayette Go Greener Commission inquired if the fee schedule had gone to the state assessor's office for approval, adding that Benton County was asked to lower their fees by the state. Ms. Damico offered assistance from the Go Greener Commission if needed.

Julie Peretin, Lafayette—presented a petition with 118 signatures against the ordinance. The ordinance no longer addresses the setbacks for a Commercial WECS. Setbacks are needed to protect the citizens of Tippecanoe County, adding the Commissioners do have the opportunity to make changes to this ordinance. Since 2007 there have been several studies showing that a farther setback is needed.

Commissioner Murtaugh asked Area Plan Commission Director Fahey how the 1000 feet setback was determined. Director Fahey stated that the Area Plan Commission looked at many ordinances from other counties before passing the zoning ordinance. The 1000 foot reflects an average of those counties different setbacks at the time the zoning ordinance passed.

Les Howey, Odell— Mr. Howey's family has owned property in Tippecanoe County since 1864. The farm ground that will be used for any commercial WECS is currently assessed as farm ground not commercial. As a citizen of rural Tippecanoe County, a setback of 1/2 mile is being

requested. Mr. Howey asked where the energy generated in Tippecanoe County would be used. Only a small maintenance crew will remain after the completion of a commercial WECS venture. Mr. Howey said that T.V. reception is a concern and the one thing that is not mentioned in the guidelines is personal intrusion. Mr. Howey asked the Commissioners to table this issue until further study.

Jim Pairitz, West Point– urged the Commissioners to address the Commercial WECS setback issue. The zoning ordinance verbiage prevents the construction of a structure within 1000 feet of a wind turbine. Mr. Pairitz stated there should be a dba limit included in the ordinance and said that he feels the ordinance still needs work.

Don Shiver, Lafayette–urged the Commissioners to proceed slowly with this ordinance. Mr. Shiver said this is a huge issue and sees no need to the rush the passing of this ordinance.

Commissioner Knochel asked for Commissioners comments.

Commissioner Murtaugh stated that many changes have been made to the ordinance pertaining to Micro WECS, reducing the barriers for individuals who want to generate electricity for their personal use. The one time fee of \$100 seems reasonable when considering there must be an electrical inspection as well as a structural inspection, due to height. Commissioner Murtaugh stated that the Commissioners are not trying to discourage the generating of electricity for personal use, adding that the inspection permit will assure that guidelines are followed. The Commissioners are charged with setting safety standards and fees to cover the county's expenses for doing those inspections. The Building Commission Department will have to have significant training to prepare employees who do the inspections. Commissioner Murtaugh added that the current ordinance could be amended at anytime.

Commissioner Byers stated, for the record, that although he does farm in the northwest of part the county, he has not been approached by a commercial wind farm. Commissioner Byers stated that to his knowledge often wind farm companies would make EDIT and road condition agreements only to sell to another WECS company. Then the new WECS company is no longer committed to the agreements made by the original owner. Benton and White County noise levels are at 60 dba and Tippecanoe County is set at 45 dba. Commissioner Byers said that he is very comfortable supporting both ordinances, adding that changes can be made at a later time.

Commissioner Knochel stated that the WECS issue has generated many comments from the public. The Commissioners have been moving slowly on this issue as can be seen by the many changes that have been made, and will continue to consider any issues as the county moves forward on this issue.

Commissioner Knochel called for a vote on Ordinance 2010-02-CM as amended and discussed.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-02-CM passes 3-0.

Commissioner Knochel called for a vote on Ordinance 2010-03-CM as amended and discussed.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes

Ordinance 2010-03-CM passes 3-0.

UNFINISHED BUSINESS

Commissioner Knochel presented a certificate of exceptional service to Judy Yost of the Treasurer's Office who is retiring. Ms. Yost has been with the county for over 25 years. Commissioner Knochel thanked Ms. Yost for her service and loyalty to Tippecanoe County.

NEW BUSINESS

None

REPORTS ON FILE

Weights and Measures
Circuit Court
Tippecanoe County Parks Board
Treasurer Report
Annual Highway Report

Director Kuhl presented a slide show, showing pictures of the many projects the Highway Department completed in the past year.

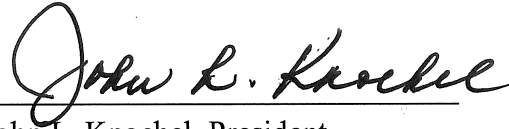
Reports are on file in the Commissioners office for review.

PUBLIC COMMENTS

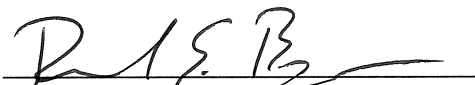
None

- Commissioner Byers moved to adjourn.

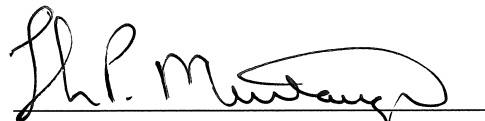
**BOARD OF COMMISSIONERS OF
THE COUNTY OF TIPPECANOE**



John L. Knochel, President



David S. Byers, Vice President



Thomas P. Murtaugh, Member

ATTEST:



Jennifer Weston, Auditor

required to build a house, but a surveyor is required to put up a small wind system. A separate ordinance addressing non-commercial residential and farm wind systems is needed.

Dale Johnson, *Stockwell*—is considering a commercial WECS on his property and disagrees with the proposed fees and taxes. The inspection fees could total 30 % of what a landowner would receive in the first year.

Commissioner Byers clarified that the fees are \$2,500 for the entire WECS project and \$200 per wind turbine for the first year. The second year the cost drops to \$1,200 per project and \$100 per wind turbine.

Robert Brooks, *Lafayette*—said that when he purchased his home nine months ago he had no knowledge that commercial WECS were being considered for this area. Mr. Brooks said that he is not opposed to the wind turbines but is asking for more distance, adding that 1000 feet is not enough. Although it has not been proven that wind turbines are detrimental to people and animals, being the father of two small children he would like a compromise in distance and decibel levels that would accommodate both participating and non-participating landowners. Mr. Brooks said that Japan has stopped erecting wind turbines to do a 3-year study on the affects of the wind turbines, adding that a distance of 1/2 mile would be acceptable.

Kenny Byers, *Lafayette*—is asking for a 1/2 mile buffer from the property line or structure. Mr. Byers said that several people in Benton County have expressed their unhappiness with the noise of the wind turbines to him. Mr. Byers said that 1/2 mile is a reasonable distance to expect.

Brent Bible, *Stockwell*—is supportive of Ordinance 2010-02-CM and would like the revenue from these projects returned to the communities that are raising those funds.

Diane Damico, *West Lafayette*—Chair of the West Lafayette Go Greener Commission inquired if the fee schedule had gone to the state assessor's office for approval, adding that Benton County was asked to lower their fees by the state. Ms. Damico offered assistance from the Go Greener Commission if needed.

Julie Pertin, *Lafayette*—presented a petition with 118 signatures against the ordinance. The ordinance no longer addresses the setbacks for a Micro WECS. Setbacks are needed to protect the citizens of Tippecanoe County, adding the Commissioners do have the opportunity to make changes to this ordinance. Since 2007 there have been several studies showing that a farther setback is needed.

CORRECTED @ 5/3/2010 MTS

Commissioner Murtaugh asked Area Plan Commission Director Fahey how the 1000 feet setback was determined. Director Fahey stated that the Area Plan Commission looked at many ordinances from other counties before passing the zoning ordinance. The 1000 foot reflects an average of those counties different setbacks at the time the zoning ordinance passed.

Les Howey, *Odell*— Mr. Howey's family has owned property in Tippecanoe County since 1864. The farm ground that will be used for any commercial WECS is currently assessed as farm ground not commercial. As a citizen of rural Tippecanoe County, a setback of 1/2 mile is being

requested. Mr. Howey asked where the energy generated in Tippecanoe County would be used. Only a small maintenance crew will remain after the completion of a commercial WECS venture. Mr. Howey said that T.V. reception is a concern and the one thing that is not mentioned in the guidelines is personal intrusion. Mr. Howey asked the Commissioners to table this issue until further study.

Jim Parrot, *West Point*— urged the Commissioners to address the Micro WECS setback issue. The zoning ordinance verbiage prevents the construction of a structure within 1000 feet of a wind turbine. Mr. Parrot stated there should be a dba limit included in the ordinance and said that he feels the ordinance still needs work.

Don Shiver, *Lafayette*—urged the Commissioners to proceed slowly with this ordinance. Mr. Shiver said this is a huge issue and sees no need to the rush the passing of this ordinance.

Commissioner Knochel asked for Commissioners comments.

Commissioner Murtaugh stated that many changes have been made to the ordinance pertaining to Micro WECS, reducing the barriers for individuals who want to generate electricity for their personal use. The one time fee of \$100 seems reasonable when considering there must be an electrical inspection as well as a structural inspection, due to height. Commissioner Murtaugh stated that the Commissioners are not trying to discourage the generating of electricity for personal use, adding that the inspection permit will assure that guidelines are followed. The Commissioners are charged with setting safety standards and fees to cover the county's expenses for doing those inspections. The Building Commission Department will have to have significant training to prepare employees who do the inspections. Commissioner Murtaugh added that the current ordinance could be amended at anytime.

Commissioner Byers stated, for the record, that although he does farm in the northwest of part the county, he has not been approached by a commercial wind farm. Commissioner Byers stated that to his knowledge often wind farm companies would make EDIT and road condition agreements only to sell to another WECS company. Then the new WECS company is no longer committed to the agreements made by the original owner. Benton and White County noise levels are at 60 dba and Tippecanoe County is set at 45 dba. Commissioner Byers said that he is very comfortable supporting both ordinances, adding that changes can be made at a later time.

Commissioner Knochel stated that the WECS issue has generated many comments from the public. The Commissioners have been moving slowly on this issue as can be seen by the many changes that have been made, and will continue to consider any issues as the county moves forward on this issue.

Commissioner Knochel called for a vote on Ordinance 2010-02-CM as amended and discussed.

Auditor Weston recorded the vote:

Byers	Yes
Knochel	Yes
Murtaugh	Yes